

REMARKS

The Office Action dated September 12, 1008, has been received and carefully noted. The above amendments and the following remarks are being submitted as a full and complete response thereto.

Claims 1-4, 6, and 11-14 are rejected, and Claims 5 and 7-10 are objected to. Prior to entry of this amendment, Claims 1-14 were pending in the application. By this amendment, Claims 1, 2, 7, 11, 12, and 14 are amended, and new Claims 15 and 16 are added. Thus, Claims 1-16 are pending in this application. Support for the amendments may be found in the specification as originally filed. Applicants submit that no new matter is added. Applicants respectfully request reconsideration and withdrawal of the rejections.

Claim 15 comprises the technical features originally disclosed in Claims 1, 2, and 5, while Claim 16 comprises the technical features originally disclosed in Claims 1, 2, and 7.

Claim Objections

Claims 1, 2, 12, and 14 are objected to because of informalities. Claims 1, 2, 12, and 14 are amended. Accordingly, the Applicants respectfully request withdrawal of the objections to Claims 1, 2, 12, and 14.

Claim Rejections - 35 U.S.C. §103(a)

Claims 1-4, 6, and 11-14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Schutte (U.S. Patent No. 3,443,696, hereinafter "Schutte") in view of Stuble (U.S. Patent No. 5,114,444, hereinafter "Stuble"). Applicants respectfully traverse the Examiner's opinion about the lack of inventiveness of Claims 1-4, 6, and 11-14.

Indeed, as stated also by the Examiner, Schutte does not disclose second diffuser nozzles to diffuse the service fluid so as to free the filtering wall of the powders trapped in it.

The Examiner considers that these second diffuser nozzles are disclosed by Stuble. The Applicants want to bring to the Examiner's attention the fact that Stuble does not show second diffuser nozzles since, as clearly indicated on column 2 lines 42-43 of Stuble, the elements indicated by the Examiner as "diffuser nozzles" are, in reality, suction hoses. Such elements are provided for suctioning-off the inner surface of the filters, and not for blowing off air or water in order to wash or to clean the filters.

A diffuser nozzle is structurally very different and function in a completely different way with respect to a suction hose.

On page 5 lines 9-14 of the Specification written that "the first type of nozzle 107 is attached to the first arm 110 and is designed to allow the diffusion towards the filter 104 of a first gaseous fluid consisting, for example, of pressurised air. In contrast, the second 108 and the third 109 types of nozzle are both designed to spray a current of water intended to wash parts of the device 101". If there is any question to a person of skill in art as to the meaning of diffuser nozzles as claimed, this clear statement distinguishes the same from a suction device.

Therefore, Stuble discloses a teaching away with respect to what disclosed in the present application.

Claim 1 of the present invention expressly claims and discloses "diffuser nozzles", in other words nozzles which emit fluid, and not nozzles which suction fluid.

Therefore the skilled man would not combine Schutte with Stubble. Even if he could

combine these two documents, he would not obtain the claimed invention since he would obtain a solid fluid separating device comprising both diffuser nozzles and suction nozzles. Moreover there is no expectation of success in combining Schutte with Stubble, since it would result in a device which cannot function in a correct way, since it is not clear if the resulting device functions suctioning off or by blowing off the filters.

The presence of suction hoses is not useful for the device disclosed by Schutte, which contemplate the use of water to wash away solid particles from the filters.

How can suction hoses be inserted inside a chamber which is filled with water, in order to eliminate particles of material?

Moreover, in the present application and in Shutte the particles to remove are entrapped outside the filter, while in Stubble they are entrapped inside the filter.

Therefore, even if the skilled man could combine these two documents, he would not obtain a device which functions as the claimed one.

Besides, in Shutte there is no suggestion to adopt the hoses disclosed by Stubble.

Finally, it is not clear what is the means for supporting and driving the filter means which can change the angle of the filter means from a first operating position, in which at least the first nozzles act on the filtering wall, to a second operating position in which the filter means are set at an angle to the first operating position to allow at least the second diffuser nozzles to operate on the filtering wall since there is no teaching of the function in either Schutte or Stuble.

Clear differences exist between the invention as claimed in Claim 1 and the prior art relied upon. These differences are more than sufficient that the present invention as claimed would not have been obvious. Thus Claim 1 is patentable.

Since Claims 2-14 depend from a patentable claim, they should be patentable too.

Allowable Subject Matter

Applicants appreciate the Examiner's indication that Claims 5 and 7-10 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

New Claim 15 includes technical features originally disclosed in Claim 5 which has been considered allowable by the Examiner. Also new Claim 16 contains allowable subject matter, since it includes the technical features disclosed in original Claim 7. Therefore, Claims 15 and 16 are considered to be allowable.

Conclusion

All matters are addressed above and in view of the pending claims and remarks, Applicants respectfully request the entry of this Amendment, the Examiner's reconsideration of the application, and the timely allowance of the pending claims.

Applicants' counsel remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this application.

Applicants respectfully submit that this application is in condition for allowance and such action is earnestly solicited. If the Examiner believes that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below to schedule a personal or telephone interview to discuss any remaining issues.

In the event that this paper is not being timely filed, the Applicants respectfully petitions for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account Number 01-2300, referencing Docket Number 023349-00311.

Respectfully submitted,

George E. Oram Jr.
afsl - George E. Oram, Jr.
Registration Number 27,931

Customer Number 004372
AREN'T FOX LLP
1050 Connecticut Avenue, NW
Suite 400
Washington, DC 20036-5339
Telephone: 202-857-6000
Fax: 202-638-4810

GEO:vmh

Application Number: 10/567,094
Attorney Docket Number: 023349-00311